REMARKS/ARGUMENTS

Claims 2, 3, and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama (US Patent Publication No. 2003/0139209). Claim 8 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama.

As was discussed with the Examiner, embodiments of the present invention relate to a message output system. In various embodiments, messages are stored in a retaining unit or queue buffer 210, and are output from the retaining unit or queue buffer 210 based upon a priority order.

I.   THE PRESENT INVENTION

In various embodiments, "main messages" are determined depending upon the progress status of the battle or game. More specifically, the specification states:

> *That is, the audio data acquisition unit 209 acquires audio data <u>specified</u>*
> *<u>based on the progress status of the battle from the audio data in Fig. 4A</u>. For*
> *example, in a case where the battle situation detection unit 205 detects an enemy*
> *warplane being defeated, the audio data acquisition unit 209 acquires audio data*
> *of a content that "our side defeated an enemy plane!" Publication [0126].*
> *Emphasis added.*

Further, "sub messages" are determined depending upon the winning and losing status of the parties. More specifically, the specification states:

> *[0127] Further, the winning and losing statuses of the friend and enemy*
> *sides are detected at each predetermined timing (for example, once in each fixed*
> *cycle, or at each timing calculated randomly), and the audio data acquisition unit*
> *209 acquires arbitrary corresponding audio data from the audio data <u>in FIG. 4B</u>*
> *<u>based on the detected winning and losing statuses</u>. For example, in a case where*
> *the battle situation detection unit 205 detects a winning status of the friend side (a*
> *losing status of the enemy side), the audio data acquisition unit 209 acquires any*

audio data that matches the winning status of the friend side such as "we can go

on!" "it feels like we're getting into the swing of it!", "the drills are paying off!

Publication [0127]. Emphasis added.

The main messages and sub messages that are determined are then stored in a
retaining unit or queue buffer 210. Specifically, the application states:

> *The queue buffer 210 is a queue area to which, for example, priority*
>
> *orders can be set, and temporarily retains audio data which is transmitted*
>
> *together with a priority order from the audio data acquisition unit 209.*
>
> *Publication [1030]. Emphasis added.*

> *The audio data acquisition·unit 209 sends the audio data acquired in this*
>
> *manner to the queue buffer 210 together with the priority order. In a case where a*
>
> *life duration time is set for the audio data, the audio data acquisition unit 209*
>
> *feeds the information of the life duration time to the life duration management*
>
> *unit 211. Publication [0128] Emphasis added.*

As also described in various embodiments, the messages that are stored in the
retaining unit or queue buffer 210 are they output, depending upon a "priority order." More
specifically, the specification states:

> *...Then, the queue buffer 210 supplies the retained audio data to the audio*
>
> *output unit 212. At this time, if the queue buffer 210 retains a plurality of audio*
>
> *data, it supplies the audio data to the audio output unit 212 in the order of high*
>
> *priority (in the order of arrival for equal values). Publication [1030]. Emphasis*
>
> *added.*

However, messages may be deleted from the retaining unit or queue buffer 210
based upon a "life time duration" of the massage, before the message is audibly output.
Specifically, the specification states:

When the <u>queue buffer 210</u> is instructed by the life duration management

unit 211 <u>to delete audio data (clear audio data from the queue)</u> whose life

duration time has passed, <u>it clears the corresponding audio data retained therein.</u>

Publication [0131]. Emphasis added.

II.   NAKAYAMA

As was also discussed with the Examiner, Nakayama merely relates to a game system that simply plays audio segments.

The "normal commentary" mode illustrated in Nakayama Fig. 6 illustrated audio segments about positional status of horses in the race, and "specific commentary" mode illustrated in Fig. 7 illustrated audio segments about positional status of a specific horse in the race.

As illustrated in Nakayama, Fig. 9, the system will operate in only one of the commentary modes at the time: either "Normal" (S6) or "Specific" (S10). Further, once in "Specific commentary" mode, the system cannot be switched back to "normal commentary" mode:

Fig. 9
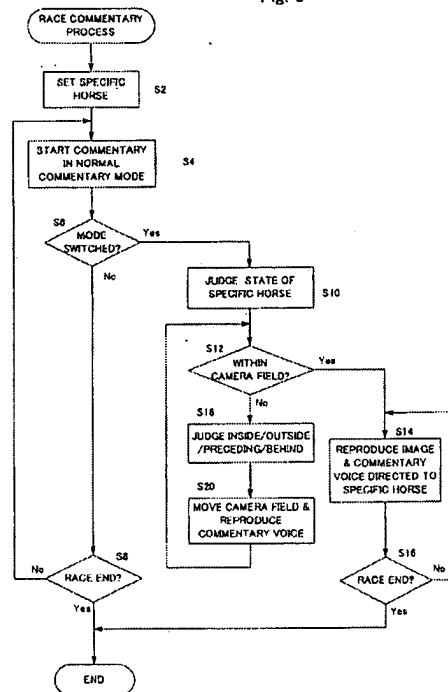
As was previously discussed, nothing in Nakayama discloses any sort of queue for storage of multiple messages to be played. In the case where multiple messages are received at the same time, Nakayama discloses playing only one selected message, and it appears the other messages are simply discarded and not stored in any sort of queue. [0068]. Further, nothing in Nakayama discloses associating any sort of priority order of messages to be played to determine an order for playing-out the audio messages.

III.   NAKAYAMA DISTINGUISHED

Claim 2 is not taught, disclosed or suggested by Nakayama. More specifically, Nakayama fails to disclose the limitation of: a message output unit which outputs the main message that is acquired and the arbitrary sub message based on a predetermined condition , wherein the message output unit further comprises a retaining unit that at least temporarily retains the acquired sub message and the main message;

As discussed above, nothing in Nakayama discloses anything about storing in any memory, messages that are selected for output. At best, Figs. 6 and 7 merely illustrate storage of all possible messages. However, once messages are selected for output from the storage, Nakayama does not disclose temporary storage of the selected messages. As noted above, if two messages are selected from output at the same time, only one message is output, and the other message is lost.

In contrast, the limitation recited above clearly discloses storing messages that are selected for output into a retaining unit for temporary storage.

Further, Nakayama fails to disclose the limitation of: wherein a priority order is set for each main message and each sub message; and said message output unit outputs the main message that is acquired and the arbitrary sub message in an order based on the priority orders.

As discussed in the interview, Nakayama does not disclose anything about assigning a priority order to any messages. Further, Nakayama does not disclose anything about using the priority order to prioritize output of messages.

In contrast, the limitation recited above clearly discloses the main message and the sub message having a priority order, that is used to determine which one is played first.

In sum, for at least the above reasons, claim 1 is not obvious in light of Nakayama.

With regards to claim 3, the Examiner has not pointed-out any part of Nakayama that discloses "preferentially" outputs comments regarding the "normal comments" instead of "specific comments" for a specific horse. More specifically, even if it is assumed Nakayama can determine a "normal comment" and a "specific horse comment" at the same time, which it cannot, there is no indication of why the normal comment would be preferentially output before the specific horse comment.

Accordingly, in light of the above, claim 3 is not obvious in light of Nakayama.

Claim 5 is not taught, disclosed or suggested by Nakayama. More specifically, Nakayama fails to disclose the limitation of: a message deletion unit which deletes the acquired sub message when a life duration time has passed, from the retaining unit.

The undersigned traverses the Examiner's assertion that this limitation would have been obvious in light of Nakayama. The Examiner merely states that such a unit would have been "obvious that the device includes a process that deletes any sub message whose life duration has passed." Office action, p.3.

In traversing the Examiner's assertion, the undersigned cannot find anything in Nakayama that remotely suggests this sort of limitation. First, as pointed-out above, Nakayama does not even disclose a queue or storage for selected messages that are to be played. Instead, Nakayama merely states if several messages are selected for output, only one is actually output. [0068]. The remaining messages are discarded.

Second, because Nakayama does not disclose a queue for storage of selected messages, there is no relevant notion of a "life duration" for a message at all. In Nakayama, either a message is immediately output, or it is discarded. The system in Nakayama does not support the inclusion of a "life duration."

Accordingly, in light of the above, claim 5 is not obvious in light of Nakayama.

Claims 3 and 5, dependent upon claim 2, is also asserted to be allowable over Nakayama for substantially the same reasons discussed above, and more specifically, for the specific limitations they recite.

Claims 6-8 are also asserted to be allowable over Nakayama for substantially the same reasons as claim 1 discussed above, and more specifically, for the specific limitations they recite.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/585,706
Amdt. dated January 22, 2009
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3714

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Stephen Y. Pang/

Stephen Y. Pang
Reg. No. 38,575

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400   Fax: 415-576-0300
SYP:djb
61453403 v1